

Canton of Zug

Cantonal Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

DEC 31 2024

Kantonsgericht, Aabachstrasse 3, P.O. Box, 6301 Zug

By registered mail (R)

Mr. Leandro Perucchi, Attorney-at-law
Perucchi & Partner AG
Seefeldstrasse 15
8008 Zurich, Switzerland

BY GARY P. SERDAR
CLERK OF COURT
DEPUTY CLERK



Zug, December 05, 2024 buv

RH 202418

Verify at www.atanet.org/verify

The United States District Court for the District of Utah in the matter of Capana Swiss Advisors AG and AmeriMark Automotive AG v. Rymark Inc. in re business ownership (Case No.: 2:23-cv-00467-RJS-CMR)

Dear Attorney,

I refer to your letter of December 4, 2024, in which you provide notice of representation of Nicole Kuster and request to examine the case files in the matter referred to above.

Pursuant to Paragraph 88 (2) of the Swiss Court Organization Act (GOG), third parties in a pending proceeding can examine case files when they assert a scientific or other legitimate interest for doing so, and the examination is not opposed by any overriding public or private interests. In the present proceeding, Ms. Nicole Kuster is to be questioned as a witness and/or she must redact case files, and she therefore is deemed to be a third party in the sense mentioned above (cf. Hurni, *Berner Kommentar*, 2012, on Article 53 of the Swiss Code of Civil Procedure (ZPO) Note 10). Ms. Kuster has not asserted a legitimate interest in the requested examination of files. Consequently, her request to examine the case files dated December 4, 2024, is denied.

With regard to her cooperation obligations and rights to refuse, we once again point out Article 160 as well as Article 165 et seq. of the Code of Civil Procedure (ZPO) to your client.

Kind regards,
Cantonal Court of the Canton of Zug
Sole Judge
[SIGNATURE]
L. Krähenbühl
Cantonal Judge

Aabachstrasse 3, P.O. Box, 6301 Zug
T 041 728 52 00

**Perucchi &
Partner AG**
ATTORNEYS AT LAW

CANTONAL COURT OF
ZUG
RECEIVED 05 Dec. 2024
POSTING: _____

Lawyers / Attorneys at Law
Dr. iur. Leandro Perucchi, LL.M., NY Bar
Dr. iur. Matthias Wiget, LL.M., MCI Arb

By registered mail
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Seefeldstrasse 15
CH-8008 Zürich
info@perucchiandpartner.com

Zurich, December 04, 2024
PER

Request for case file examination in the matter of RH 2024 18

Dear Cantonal Judge Krähenbühl,

We hereby notify you that we are representing the interests of Ms. Nicole Kuster in the matter referenced in the subject line; please see the attached power of attorney. In reference to your letter of November 26, 2024, I hereby respectfully request of you delivery of the case files (Case No. 2:323-cv-00467-RJS-CMR), particularly the letters rogatory of the United States District Court for the District of Utah, preferably in electronic form to: info@perucchiandpartner.com.

Thank you in advance for complying with my request.

Very respectfully yours,

Perucchi & Partner AG

[SIGNATURE]

Dr. Leandro Perucchi



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Enclosure: - *Power of attorney of December 2, 2024*

POWER OF ATTORNEY

Perucchi & Partner AG
Attorneys-at-law

DR. IUR. LEANDRO PERUCCHI

DR. IUR. MATTHIAS WIGET,

in the matter of **USA Legal Assistance**

are granted power of attorney, each individually, for all legal acts of a universal agent, with the right to appoint alternates.

This power of attorney shall include, without limitation: extra-judicial representation, representation before all courts, administrative authorities and arbitration tribunals, conclusion of agreements on jurisdiction and arbitration agreements, filing of appeals, signing of waivers, conclusion of settlements, recognition and withdrawal of actions, execution of judgments and concluded settlements, receipt and surrender of securities, payments and other objects in dispute, enforcement and litigation of debts including filing bankruptcy petitions, representation in inheritance cases and at public pronouncements and land registry transactions, representation in criminal matters, particularly filing and withdrawal of criminal complaints and petitions.

This power of attorney shall not expire upon death, declaration of presumed death, loss of legal capacity or bankruptcy of the client.

This power of attorney is granted in order to pursue a commission that the Client has entered into with Perucchi & Partner AG.

The Client confirms that she has assigned her claim to any legal fees to Perucchi & Partner AG for payment.

[SIGNATURE] _____,

(place)

December 2, 2024

(date)

The Client: Nicole Kuster

[SIGNATURE] _____
Nicole Kuster

Zurich Bar Association
(Official Power of Attorney Text 04/16)



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Cantonal Court, Postfach, 6301 Zug, Switzerland [RH 2024 18 KRL]
THE POST OFFICE P.P. CH-6301 Zug PRIORITY

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The United States District Court for the District of Utah
351 S West Temple
Salt Lake City, UT 84101
USA



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